

REMARKS

Reconsideration the present application is respectfully requested.

Claim 37 has been amended to more clearly distinguish over the prior art. In particular, step A of claim 37 now recites that the wall which separates the tissue dispenser section from the tissue disposal section constitutes a bottom of the tissue disposal section and a top of the tissue dispenser section (see page 3, lines 30-31 of the description for support). Claim 37 also now recites in step B, that when the body is mounted, the tissue dispensing orifice faces downwardly and the tissue disposal orifice faces upwardly. Step E already recites that the disposing orifice is disposed at an upper portion of the body.

Assuming that the device of the Schwimmer reference were suspended as taught by Smith et al.'156 and also inverted such that the tissue dispensing orifice 32 faces downwardly, the only one of the four tissue disposal sections 14, 16, 18 and 20 that could be considered as separated from the tissue dispenser section by a wall constituting the bottom of the disposal section and the top of the dispenser section (as now recited in claim 37), is the section 14. However, that section 14 has a downwardly facing tissue disposing orifice (defined between walls 24 and 44), in contrast to the upwardly facing disposing orifice recited in claim 37. Furthermore, such downwardly facing orifice of Schwimmer would be disposed at a lower portion of the body, not at an upper portion thereof as presently recited in claim 37.

Accordingly, it is submitted that claim 37 distinguishes patentably over Schwimmer in view of Smith et al.

As regards the Rhinegold reference, even if the device disclosed therein was suspended (as taught by Smith et al. '156) such that the dispensing orifice 24 faces

downwardly, the disposing orifice 36 would also face downwardly, not upwardly as present claimed, and would be located at the bottom of the body rather than at an upper portion of the body as presently claimed.

Accordingly, it is submitted that claim 37 distinguishes patentably over Rhinegold in view of Smith et al. '156.

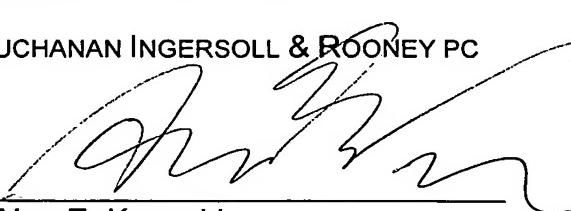
In summation, it is significant to note that each of the base references to Schwimmer and Rhinegold discloses a tissue dispensing/disposing device in which the dispensing orifice is intended to face in the same direction as the disposing orifice, in contrast to the presently claimed invention in which the dispensing orifice faces downwardly and the disposing orifice faces upwardly. Moreover, in the secondary reference to Smith et al. the disposing orifice is not even disposed in the body and faces toward the dispensing orifice, not away from the dispensing orifice as presently claimed.

Accordingly, it is submitted that the application is in condition for allowance.

Respectfully submitted,

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